

House Study Bill 232

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to expunging the record of certain simple
2 misdemeanor violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2631HC 83
5 jm/nh/8

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1 1 Section 1. Section 123.46, subsection 5, Code 2009, is
1 2 amended by striking the subsection.
1 3 Sec. 2. NEW SECTION. 901.11 SIMPLE MISDEMEANOR == RECORD
1 4 EXPUNGED.
1 5 Upon the expiration of five years following the conviction
1 6 of a simple misdemeanor offense, a person may petition the
1 7 court to exonerate the person of the simple misdemeanor
1 8 conviction. If the person has had no other criminal
1 9 convictions, other than simple misdemeanor convictions under
1 10 chapter 321, the person shall be deemed exonerated of the
1 11 offense as a matter of law. The court shall enter an order
1 12 exonerating the person of the conviction, and order that the
1 13 record of the conviction be expunged by the clerk of the
1 14 district court.
1 15 Sec. 3. Section 907.9, subsection 4, Code 2009, is amended
1 16 to read as follows:
1 17 4. At the expiration of the period of probation if the
1 18 fees imposed under section 905.14 and court debt collected
1 19 pursuant to section 602.8107 have been paid, the court shall
1 20 order the discharge of the person from probation. If portions
1 21 of the court debt remain unpaid, the person shall establish a
1 22 payment plan with the clerk of the district court or the
1 23 county attorney prior to the discharge. The court shall
1 24 forward to the governor a recommendation for or against
1 25 restoration of citizenship rights to that person upon
1 26 discharge. A person who has been discharged from probation
1 27 shall no longer be held to answer for the person's offense.
1 28 Upon discharge from probation, if judgment has been deferred
1 29 under section 907.3, the court's criminal record with
1 30 reference to the deferred judgment shall be expunged. The
1 31 record maintained by the state court administrator as required
1 32 by section 907.4 shall not be expunged. The court's record
1 33 shall not be expunged in any other circumstances unless
1 34 authorized by law.

EXPLANATION

2 1 This bill relates to expunging the record of certain simple
2 2 misdemeanor violations.
2 3 The bill provides that after five years following the
2 4 conviction of a person for a simple misdemeanor violation, the
2 5 person may petition the court to exonerate the person of the
2 6 simple misdemeanor conviction. If the person has had no other
2 7 criminal convictions, other than simple misdemeanor violations
2 8 of Code chapter 321, the court shall enter an order
2 9 exonerating the person of the conviction, and order the record
2 10 of the conviction be expunged by the clerk of the district
2 11 court.
2 12 The bill strikes Code section 123.46(5), relating to
2 13 expunging public intoxication convictions, in order to
2 14 consolidate the provision in new Code section 901.11.
2 15 LSB 2631HC 83
2 16 jm/nh/8